

By: Carona

S.B. No. 788

A BILL TO BE ENTITLED

AN ACT

relating to the issuance of a limited license to practice medicine to certain applicants.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter A, Chapter 155, Occupations Code, is amended by adding Section 155.006 to read as follows:

Sec. 155.006. ISSUANCE OF LIMITED LICENSE. (a) The board may adopt rules and prescribe fees related to the issuance of a license under this section that is limited in scope to an applicant by virtue of the applicant's conceded eminence and authority in the applicant's specialty.

(b) An applicant is eligible for a limited license under this section on presenting proof satisfactory to the board that the applicant:

(1) is recommended to the board by the dean, president, or chief academic officer of:

(A) a school of medicine in this state;

(B) The University of Texas Health Center at Tyler;

(C) The University of Texas M.D. Anderson Cancer Center; or

(D) a program of graduate medical education, accredited by the Accreditation Council for Graduate Medical Education or the American Osteopathic Association, that exceeds the

1 requirements for eligibility for first board certification in the
2 discipline;

3 (2) is expected to receive an appointment at the
4 institution or program making the recommendation under Subdivision
5 (1);

6 (3) has not failed a licensing examination that would
7 prevent the applicant from obtaining an unrestricted license in
8 this state;

9 (4) has passed a Texas medical jurisprudence
10 examination as determined by board rule;

11 (5) has successfully completed at least one year of
12 approved subspecialty training accredited by the Accreditation
13 Council for Graduate Medical Education or the American Osteopathic
14 Association;

15 (6) is of good professional character, is not subject
16 to denial of a license under Section 164.051, and has not engaged in
17 conduct described by Section 164.052 or 164.053; and

18 (7) meets any other requirements prescribed by board
19 rule adopted under this section.

20 (c) In adopting rules under this section, the board may
21 adopt rules that prescribe additional qualifications for an
22 applicant, including education and examination requirements,
23 conditions of employment, and application procedures. The board by
24 rule may qualify, restrict, or otherwise limit a license issued
25 under this section.

26 (d) The board by rule may define "conceded eminence and
27 authority in the applicant's specialty." In adopting rules under

1 this subsection, the board shall consider criteria that include a
2 person's:

- 3 (1) academic appointments;
- 4 (2) length of time in a profession;
- 5 (3) scholarly publications; and
- 6 (4) professional accomplishments.

7 (e) The board may require that the holder of a license under
8 this section serve a six-month probationary period during which
9 medical services provided by the license holder are supervised by
10 another licensed physician.

11 (f) The holder of a license under this section shall be
12 limited to the practice of only a specialty of medicine for which
13 the license holder has trained and qualified, as determined by the
14 board. The license holder may not practice medicine outside of the
15 setting of the institution or program, or an affiliate of the
16 institution or program, that recommended the license holder under
17 Subsection (b)(1).

18 (g) The holder of a license under this section may not
19 change the license holder's practice setting to a new institution
20 or program unless the license holder applies for a new license under
21 this section with the recommendation of that institution or program
22 as required by Subsection (b)(1).

23 (h) A license holder under this section may obtain an
24 unrestricted license to practice medicine in this state by meeting
25 all applicable eligibility requirements for an unrestricted
26 license.

27 SECTION 2. (a) This Act takes effect September 1, 2003.

1 (b) The Texas State Board of Medical Examiners shall adopt
2 rules necessary to implement the requirements of Section 155.006,
3 Occupations Code, as added by this Act, not later than March 1,
4 2004.